

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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MARK A. HANSON,

Petitioner,

v.

CRAIG FARWELL, *et al.*,

Respondents.

Case No. 3:04-cv-00130-MMD-VPC

ORDER

In this habeas corpus action, on June 6, 2017, the Court granted petitioner Mark A. Hanson's motion for an evidentiary hearing. (See Order entered June 6, 2017 (ECF No. 127).) On June 26, 2017, pursuant to the Court's order, the parties filed a Joint Proposed Scheduling Order. (ECF No. 128.)

Also on June 26, 2017, Hanson timely filed a fourth amended habeas petition. (ECF No. 129.) Respondents are to file an answer no later than July 26, 2017, and then Hanson will have twenty (20) days to file a reply. (See Order entered June 6, 2017 (ECF No. 127) (thirty days for answer, and twenty days for reply).)

On June 30, 2017, the Court entered an order setting a schedule for the evidentiary hearing. (ECF No. 130.) In that order the Court set the evidentiary hearing for December 13 and 14, 2017, and set a schedule for events leading up to the evidentiary hearing. (See Order entered June 30, 2017 (ECF No. 130).)

On July 12, 2017, Hanson filed an unopposed motion for reconsideration of the June 30, 2017, order. (ECF No. 131.)

1 The Court “possesses the inherent procedural power to reconsider, rescind, or  
2 modify an interlocutory order for cause seen by it to be sufficient,” so long as the court  
3 has jurisdiction. *City of L.A., Harbor Div. v. Santa Monica Baykeeper*, 254 F.3d 882, 885  
4 (9th Cir. 2001) (emphasis and quotation omitted).

5 Hanson requests reconsideration of the dates on which the evidentiary hearing is  
6 set, as well as the amount of time reserved for the evidentiary hearing. Hanson states  
7 that an expert witness, Dr. Janice Ophoven, is not available to testify in December, and  
8 that Dr. Ophoven’s testimony is critical and essential, as Dr. Ophoven participated in his  
9 state-court litigation and presented a declaration in that case. Hanson informs the Court  
10 that the earliest dates on which Dr. Ophoven is available to testify are January 16 through  
11 18, 2018. In light of Hanson’s unopposed representations in this regard, the Court will  
12 reschedule the evidentiary hearing for January 16 through 18, 2018.

13 Hanson also states that his counsel and counsel for the respondents agree that at  
14 least three days should be scheduled for this evidentiary hearing. The Court will make  
15 that change as well; three days — January 16, 17, and 18, 2018 — will be scheduled for  
16 the evidentiary hearing.

17 In view of these changes, the Court will also modify the schedule leading up to the  
18 evidentiary hearing. The schedule for the evidentiary hearing will be as follows:

19 1. Evidentiary Hearing

20 The evidentiary hearing will commence on January 16, 2018, at 9:00 a.m., in the  
21 courtroom of the undersigned United States District Judge, in Reno, Nevada. The Court  
22 has scheduled three days — January 16, 17, and 18, 2018 — for the evidentiary hearing.

23 2. First Disclosure of Experts

24 The parties will disclose to each other the names of their expert witnesses by  
25 September 15, 2017. These disclosures may be made by e-mail or other informal means.  
26 The parties need not file these disclosures.

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1           3.     Second Disclosure of Experts

2           The parties will disclose to each other the names of any rebuttal experts by October  
3 6, 2017. These disclosures may be made by e-mail or other informal means. The parties  
4 need not file these disclosures.

5           4.     Disclosure of Expert Reports

6           The parties will disclose to each other the reports of their expert witnesses by  
7 November 3, 2017. These disclosures may be made by e-mail or other informal means.  
8 The parties need not file these disclosures.

9           5.     Witness Lists and Exhibit Lists

10          The parties will file their witness lists and exhibit lists by November 9, 2017. The  
11 parties will file a joint exhibit list, listing the exhibits they agree are admissible. The parties  
12 will file separate exhibit lists, listing any exhibits that the parties do not agree are  
13 admissible.

14          6.     Pre-Hearing Briefs

15          Hanson will file a pre-hearing brief by November 17, 2017. Respondents will file a  
16 responsive pre-hearing brief by December 1, 2017. Hanson may file a reply, no later than  
17 December 8, 2017.

18          7.     Pre-Hearing Motions

19          The parties will file any pre-hearing motions by November 17, 2017, and early  
20 enough so that the motions can be briefed and resolved without postponing the  
21 evidentiary hearing or otherwise undermining this schedule in any way. The schedule for  
22 the briefing of such motions will be pursuant to LR 7-2(b).

23          8.     Marking and Submission of Exhibits

24          In marking exhibits, petitioner should use numerals 1-499 and respondents should  
25 use numerals 500 and above. Counsel are to provide the Court with a courtesy copy of  
26 all exhibits to be offered at the evidentiary hearing by delivering a thumb drive or CD to  
27 the Clerk's Office in Reno no later than two court days prior to the hearing. Counsel should

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1 contact Peggie Vannozzi, at 775-686-5839, if they have any question regarding marking  
2 and submitting exhibits.

3 It is, therefore, ordered that petitioner's unopposed motion for reconsideration  
4 (ECF No. 131) is granted. The schedule for the evidentiary hearing will be as set forth  
5 above.

6 DATED THIS 19<sup>th</sup> day of July 2017.

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MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE